

Information Item

Governmental Relations Committee

Federal Update, December 2001

Since the Commission's October meeting, several activities affecting higher education have occurred at the national level. Staff has attempted to keep Commissioners apprised of these events through regular communications – the most recent of which are enclosed in this agenda for reference. At this Commission meeting, staff will orally update members on the latest developments concerning the following federal issues:

- ♦ Federal FY 2002 appropriations for higher education programs;
- ♦ Status of discussions to reauthorize the Elementary and Secondary Education Act (ESEA) and its impact on the current Eisenhower Professional Development Program;
- ♦ Status of selected federal legislation of interest to the Commission; and
- ♦ Other federal matters of import.

Presenter: Karl M. Engelbach.


CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

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DATE: October 25, 2001
TO: Commissioners
FROM: Warren H. Fox, Executive Director 
SUBJECT: Update on Federal Actions Affecting Higher Education

This is an update on a number of significant education-related developments that occurred in Congress over the past two weeks.

Education Appropriations

In response to calls for speedy congressional action by the President, Congress is proceeding on its FY 2002 appropriations bills. The House and Senate approved their respective education spending bills on October 12 in a bipartisan manner rarely seen. These bills now head to a conference committee where work is expected to begin immediately. The likelihood of a quick completion of the appropriation bills will, in part, be determined by the Senate, the House, and the Administration reaching agreement on legislation to reauthorize the Elementary and Secondary Education Act (ESEA, H.R. 1 and S.1). The ESEA proposals that have passed the House and Senate make significant changes to the K-12 education programs. The legislation authorizing these programs needs to be in place before Congress is able to appropriate funds for education programs. While many ESEA issues have been resolved, disagreement continues on state spending flexibility and the consequences of new testing requirements in the legislation.

In higher education spending, the good news is that both the Senate and the House agreed to a \$250 increase in the maximum Pell Grant award, raising the maximum award from \$3,750 to \$4,000 annually. The President requested a \$100 increase in the maximum award in his budget request.

The Senate increased both Leveraging Educational Assistance Partnerships (LEAP), and Perkins loans by \$15 million. Neither the House nor the President's request had any increase for these programs. The Federal Work Study program did not receive any increase. GEAR UP was decreased by \$68 million by both the Senate and the President, while the House decreased it by \$10 million to \$285 million.

For your information, a chart prepared by the American Association of State Colleges and Universities (AASCU) comparing FY 2001 Enacted, FY 2002 President's Request, and the House and Senate bills for selected education programs is attached.

On the House side, the House Appropriations Committee bipartisan bill included a record \$49.2 billion budget for FY 2002 programs under the U. S. Department of Education. This amount represents a 17 percent increase over the 2001 funding level for Department of Education programs (\$4.7 billion beyond President Bush's request) and the largest, single-year boost for federal education spending.

On the Senate side, the Senate Appropriations Committee marked up its spending bill for Education, Labor, and HHS programs and approved a \$48.5 billion budget for FY 2002 federal education programs under the U. S. Department of Education, which also represents a significant increase in education funding. The full Senate is expected to vote on its education appropriations bill soon.

In addition, recent media reports indicate that Senator Edward Kennedy (D-MA) is looking for even more new funding for education, possibly as part of an economic stimulus package under consideration. Republican reaction to the plan has been described as "cool."

Reauthorization of ESEA

Conferees have met only once since the September 11 attacks, and are scheduled to meet again soon. However, the leaders of the H.R. 1 Conference Committee -- Senator Ted Kennedy (D-MA), Senator Judd Gregg (R-NH), Rep. George Miller (-D-CA), and Rep. John Boehner (R-OH) -- are meeting privately to hammer out differences between the two bills. These differences include testing and accountability (how to define failing schools), funding (level of funding needed), and flexibility of the programs. A blackout currently exists on any conference information and the agreements being reached, which is frustrating a number of groups.

In a letter to conferees, the National Governors Association wrote, "As those who bear the greatest responsibility for implementing any changes enacted by Congress, we would hope there would be full consultation with the nation's Governors prior to any agreements on key issues. Governors want to ensure the success of any Congressional action, so such consultation will be critical for any new law to work."

The National Council of State Legislatures is even more blunt in its criticism of H.R. 1. In a letter to conferees, the group says that parts of both S. 1 (the Senate bill) and H.R. 1 are "seriously and perhaps irreparably flawed . . . State budgets, particularly those dependent on sales taxes, are reeling from the recent economic downturn. A similar impact is likely on federal receipts and appropriations, decreasing the likelihood that appropriation levels in education legislation will offset the financial burdens imposed by its mandates. We fear that compliance with the federal mandates may be undercut unless

states severely reduce other vital areas of their budgets . . . Improvements to ESEA should not be made at the expense of our state priorities and initiatives."

House Passes H.R. 1992

H.R. 1922 -- the Internet Equity and Education Act of 2001-- was agreed to in the House and passed on a vote of 354 Yeas and 70 Nays. As you may recall, the Commission expressed its support of this federal legislation and sent letters advocating its passage to all California Congressional representatives. Action on a similar measure that has been introduced on the Senate side has not yet been scheduled.

We will keep you updated as additional information and events unfold.



**FY2002 House & Senate Appropriations Committee
Funding Levels for Selected Education Programs (\$ in millions)**

Funding for Selected Education Programs	FY2001 Enacted	FY2002 President's FY02 Request	House H.R. 3061 10/11/01	Senate S. 1536 10/11/01	Difference Senate vs. House
Title I (total) (a)	\$9,949.6	\$10,980.6	\$12,509.9	\$11,813.9	-\$696.0
Title I (Basic Grants)	\$7,398.0	\$7,237.7	\$8,037.0	\$8,568.0	\$531.0
Title I (Concentration Grants)	\$1,364.8	\$1,364.0	\$1,684.0	\$1,632.0	-\$52.0
Title I (Targeted Grants)	\$0.0	\$459.0	\$779.0	\$0.0	-\$779.0
Even Start	\$250.0	\$250.0	\$260.0	\$200.0	-\$60.0
Reading First State Grants	\$286.0	\$900.0	\$900.0	\$900.0	\$0.0
Early Reading First	n/a	\$75.0	\$75.0	\$75.0	\$0.0
Migrant Education	\$380.0	\$380.0	\$410.0	\$380.0	-\$30.0
Comprehensive School Reform	\$260.0	\$260.0	\$310.0	\$0.0	-\$310.0
Impact Aid (total)	\$993.3	\$1,130.5	\$1,130.5	\$1,130.5	\$0.0
Impact Aid (construction)	\$12.8	\$150.0	\$35.0	\$68.0	\$33.0
State Grants for Improving Teacher Quality	n/a	\$2,600.0	\$3,175.0	\$3,039.8	-\$135.2
Class size reduction	\$1,175.0	\$0.0	\$0.0	\$0.0	\$0.0
Eisenhower State Grants	\$485.0	\$0.0	\$0.0	\$0.0	\$0.0
Eisenhower National Activities	\$41.0	\$0.0	\$0.0	\$95.0	\$95.0
Eisenhower Federal Activities	\$23.3	\$0.0	\$0.0	\$0.0	\$0.0
Eisenhower Math & Science (b)	\$15.0	\$0.0	\$0.0	\$0.0	\$0.0
Goals 2000-Parental Assistance	\$38.0	\$0.0	\$0.0	\$45.0	\$45.0
Transition to Teaching	n/a	\$30.0	\$50.0	\$95.0	\$45.0
School Renovation	\$1,200.0	\$0.0	\$0.0	\$925.0	\$925.0
Safe and Drug-Free Schools	\$644.3	\$644.3	\$644.3	\$644.3	\$0.0
21st Century Learning Centers	\$845.6	\$845.6	\$1,000.0	\$1,000.0	\$0.0
Small, Safe and Successful High Schools	\$125.0	\$0.0	\$200.0	\$100.0	-\$100.0
Educational Technology State Grants	n/a	\$817.1	\$1,000.0	\$713.0	-\$287.0
Technology Literacy Challenge Fund	\$450.0	\$0.0	\$0.0	\$0.0	\$0.0
Technology Innovation Challenge Grants	\$136.3	\$0.0	\$0.0	\$0.0	\$0.0
Teacher Training in Technology	\$125.0	\$0.0	\$0.0	\$125.0	\$125.0
Community-Based Technology Centers	\$65.0	\$0.0	\$0.0	\$65.0	\$65.0
Star Schools	\$59.3	\$0.0	\$0.0	\$59.3	\$59.3
Choice and Innovation State Grants	n/a	\$471.5	\$385.0	\$410.0	\$25.0
Innovative education programs (Title VI)	\$385.0	\$0.0	\$0.0	\$0.0	\$0.0
Fund for the Improvement of Education/LIFE (c)	\$338.8	\$0.0	\$0.0	\$300.0	\$300.0
State Assessments	n/a	\$320.0	\$400.0	\$320.0	-\$80.0
Reform and Innovation	n/a	\$40.0	\$0.0	\$0.0	\$0.0

Charter Schools Homestead Fund	\$25.0	\$175.0	\$0.0	\$50.0	\$50.0
Rural Education (d)	\$0.0	\$0.0	\$200.0	\$125.0	-\$75.0
Charter Schools	\$190.0	\$200.0	\$200.0	\$200.0	\$0.0
Magnet Schools Assistance	\$110.0	\$110.0	\$110.0	\$110.0	\$0.0
Training and Advisory (Title IV-CRA)	\$7.3	\$7.3	\$7.3	\$7.3	\$0.0
Character Education	\$0.0	\$25.0	\$25.0	\$25.0	\$0.0
Mentoring Programs	\$0.0	\$0.0	\$30.0	\$5.0	-\$25.0
Elementary School Counseling	\$30.0	\$0.0	\$30.0	\$35.0	\$5.0
Advanced placement incentives	\$22.0	\$22.0	\$22.0	\$22.0	\$0.0
Indian Education (total)	\$115.5	\$116.0	\$123.2	\$117.0	-\$6.2
Bilingual and Immigrant Education State Grants	n/a	\$460.0	\$700.0	\$516.0	-\$184.0
Bilingual Instructional Services	\$180.0	\$0.0	\$0.0	\$0.0	\$0.0
Bilingual Support Services	\$16.0	\$0.0	\$0.0	\$0.0	\$0.0
Bilingual Professional Development	\$100.0	\$0.0	\$0.0	\$0.0	\$0.0
Immigrant Education	\$150.0	\$0.0	\$0.0	\$0.0	\$0.0
Special Education (total)	\$7,439.9	\$8,425.6	\$8,860.0	\$8,439.6	-\$420.4
Special Education Grants to States	\$6,339.7	\$7,339.7	\$7,714.7	\$7,339.7	-\$375.0
Special Education Personnel Preparation	\$82.0	\$82.0	\$90.0	\$90.0	\$0.0
Vocational Education (total)	\$1,243.1	\$1,223.6	\$1,378.0	\$1,240.0	-\$138.0
Vocational Education State Grants	\$1,100.0	\$1,100.0	\$1,250.0	\$1,100.0	-\$150.0
Vocational Education Tech-Prep Education	\$106.0	\$106.0	\$110.0	\$106.0	-\$4.0
Adult Education State Grants	\$540.0	\$540.0	\$595.0	\$540.0	-\$55.0
Pell Grants (total)	\$8,756.0	\$9,756.0	\$10,458.0	\$10,314.0	-\$144.0
Pell Grant maximum grant (\$ in thousands)	\$3,750.0	\$3,850.0	\$4,000.0	\$4,000.0	\$0.0
Supplemental Educational Opportunity Grants (SEOG)	\$691.0	\$691.0	\$725.0	\$713.1	-\$11.9
Work-Study	\$1,011.0	\$1,011.0	\$1,011.0	\$1,011.0	\$0.0
Perkins Loans-Federal Capital Contributions	\$100.0	\$100.0	\$100.0	\$100.0	\$0.0
Leveraging Educational Assistance Partnerships (LEAP)	\$55.0	\$55.0	\$55.0	\$70.0	\$15.0
Strengthening Institutions	\$73.0	\$73.0	\$73.0	\$74.3	\$1.3
Strengthening Historically Black Colleges & Universities	\$185.0	\$197.0	\$215.0	\$197.0	-\$18.0
Strengthening Historically Black Graduate Institutions	\$45.0	\$48.0	\$50.0	\$48.0	-\$2.0
Developing Hispanic-serving Institutions	\$68.5	\$72.5	\$81.5	\$73.8	-\$7.8
International Education & Foreign Language Studies	\$78.0	\$78.0	\$93.0	\$78.0	-\$15.0
Fund for the Improvement of Postsecondary Education	\$146.7	\$51.2	\$52.4	\$51.2	-\$1.2
Demonstration Projects for Students with Disabilities	\$6.0	\$0.0	\$6.0	\$7.0	\$1.0
TRIO (total)	\$730.0	\$780.0	\$800.0	\$805.0	\$5.0
GEARUP	\$295.0	\$227.0	\$285.0	\$227.0	-\$58.0
Byrd Honor Scholarships	\$41.0	\$41.0	\$41.0	\$41.0	\$0.0

Javits Fellowships	\$10.0	\$10.0	\$10.0	\$10.0	\$0.0
Graduate Assistance in Areas of National Need	\$31.0	\$31.0	\$31.0	\$31.0	\$0.0
Child Care Access Means Parents in School	\$25.0	\$25.0	\$25.0	\$25.0	\$0.0
Learning Anytime Anywhere Partnerships	\$30.0	\$0.0	\$0.0	\$0.0	\$0.0
Teacher Quality Enhancement Grants	\$98.0	\$54.0	\$100.0	\$54.0	-\$46.0
Research	\$120.6	\$123.1	\$147.6	\$120.6	-\$27.0
Statistics	\$80.0	\$85.0	\$85.0	\$80.0	-\$5.0
Assessment	\$40.0	\$109.1	\$111.6	\$109.0	-\$2.6
Department of Education Total (e), (f)	\$42,506.3	\$48,541.2	\$49,268.4	\$48,541.2	-\$727.2
Head Start	\$6,199.8	\$6,328.0	\$6,475.8	\$6,600.0	\$124.2
Libraries	\$207.0	\$168.0	\$168.1	\$168.1	\$0.0
Corporation for Public Broadcasting	\$360.0	\$370.0	\$365.0	\$375.0	\$10.0

President's New Initiatives in Bold

(a) Title I total reflects subtotal ESEA I, Education for the Disadvantaged, U.S. Department of Education, Fiscal Year 2002 Congressional Action Chart.

(b) The Senate bill provides \$25 million for Math and Science Partnerships.

(c) Senate Local Innovations for Education (LIFE) includes \$100 million, American History; \$30 million, Arts Education; \$10 million, dropouts; \$3 million, WEEA; \$35 million, counselors; \$59.3, Star Schools; \$25 million, character education.

(d) The House provided \$200 million for Rural Education; the Senate provided \$62.5 million for each of two new rural education programs.

(e) Department of Education Total reflects Appropriations Total, Education Department, Discretionary funds as cited above.

(f) The Senate bill also funds new school improvement programs including community service, \$50 million; public school choice, \$50 million; alcohol abuse, \$25 million; physical education, \$50 million; and school libraries, \$25 million.

Last Updated on 10/15/01

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

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DATE: November 8, 2001
TO: Commissioners
FROM: Warren H. Fox, Executive Director
SUBJECT: Senator Feinstein's Proposals Regarding Student Visas

Attached for your information is the press release issued by Senator Feinstein regarding the changes she is proposing to strengthen the nation's counter-terrorism efforts. Her proposal contains several provisions that would affect foreign students. These provisions include:

- Stopping all visas to individuals from countries included on the U.S. State Department's list of terrorist-sponsoring states;
- Requiring the INS to conduct a background check before the State Department can issue a student visa to foreign nationals; and
- Requiring all educational institutions to immediately notify the INS when a foreign student violates the term of his or her visa by not showing up for class.

Many higher education associations have expressed concerns regarding the Senator's proposal. Staff will continue to monitor this issue and I will keep you apprised on future developments.

I have also attached for your information one recent article from the *San Francisco Chronicle* on the Senator's proposal.

Attachments



News from . . .

Senator Dianne Feinstein

of California

Senators Feinstein and Kyl Introduce Bill to Address Problems in U.S. Visa System, Increase Ability to Track Foreign Nationals

November 2, 2001

Washington, DC - Senators Dianne Feinstein (D-Calif.) and John Kyl (R-Ariz.) introduced legislation last night to help prevent terrorists from entering the United States through loopholes in our immigration and visa system.

Cosponsors of the *Visa Entry Reform Act of 2001* include Senators Orrin Hatch (R-Utah), Herb Kohl (D-Wisc.) Kit Bond (R-Miss.), Strom Thurmond (R-S.C.) and Olympia Snowe (R-Maine).

"The tragic attack on September 11th showed how easy it was for terrorists bent on destruction to enter our country without detection and kill thousands of people," Senator Feinstein said. **"Our nation's borders have become a sieve. This bill will strengthen our counter-terrorism efforts by connecting law enforcement together with a centralized 'lookout' database, upgrade technologies used to prevent fraud and illegal entry, and impose new restrictions on student visas to prevent misuse of the program by those who would do this nation harm."**

All 19 of the terrorist hijackers were foreign nationals who should not have been in the United States but were able to infiltrate our country because of loopholes in the immigration system.

In the past, our nation has been relatively lax about enforcing our immigration policies," Senator Feinstein said. **"We can no longer afford to operate in this way. We recognize America's openness to newcomers contributes to our strength as a nation. But in these unprecedented times, we have seen terrorists take advantage of that openness, and we must now restore balance to our immigration policy by adding some prudent steps to ensure Americans will be safe at home."**

As chair and ranking member of the Senate Judiciary Committee's panel on Technology, Terrorism and Government Information, Senators Feinstein and Kyl recently held a hearing which demonstrated that changes need to be made in U.S. law to strengthen our borders.

The Senators were told by the INS that in the last fiscal year, 23 million people arrived in the U.S. from 29 different countries under the so-called "visa waiver program" with no visas and little scrutiny. More than 7 million tourists, business visitors, foreign students, and temporary workers arrived last year as non-immigrants, yet the INS does not have a reliable tracking system to determine how many of these visitors left the country after their visas expired.

Among the 7.1 million non-immigrants, 500,000 foreign nationals entered on foreign student visas alone. The foreign student visa system is one of the most under-regulated visa categories, subject to bribes and other problems that leave it wide open to abuse by terrorists and other criminals. In fact, in the early 1990s, five officials at four California colleges were convicted of taking bribes, providing counterfeit education documents and fraudulently applying for more than 100 foreign student visas.

Each year, there are 300 million border crossings in the United States. For the most part, these individuals are legitimate visitors to the nation, but the country lacks the ability to track all these visitors.

Mohamed Atta, the suspected ringleader of the attack, was admitted back into the country through the Miami airport on January 10, even though his visa had reportedly expired. In fact, Atta traveled freely to and from the United States during the past two years. Other hijackers also traveled with ease throughout the country. Suspected hijacker Ahmed Alghamdi remained at large in the United States after his student visa had expired. Another hijacker, Hani Hanjour, was here on a student visa that the INS still cannot determine was valid as of September 11.

"I welcome President Bush's call this week to reform our immigration and visa system," Senator Feinstein said. "This bill introduced today will help implement the President's goals and strengthen our nation's counter-terrorism efforts by closing loopholes in our immigration laws and giving federal agencies the direction and resources they need to do their jobs."

"These changes must be put in place rapidly as it is important that we work together to reform our immigration system to prevent the entry of those intent on inflicting terror and destruction in our society," Senator Feinstein said. "The problems we face are monumental as our government is understaffed and relies on outdated equipment and paper documents to screen foreign nationals as they try to enter the United States."

The Feinstein-Kyl legislation would:

- Create a new centralized "lookout" database. The database would provide the INS and federal law enforcement all the information they need to monitor, track, and alert appropriate authorities about visitors to the U.S. who might be capable of doing harm.
- Develop a new biometric "SmartVisa" card. Technology is available to put a person's biometric information, such as fingerprints, retinal scans, or face recognition on identification cards. INS and the State Department would be required within one year to ensure that foreign nationals use these tamper proof visa cards to enter and exit the United States.
- Reform the visa waiver program. The 29 countries from which visitors can enter the U.S. without a visa would be required to develop tamper-resistant, machine-readable passports and, within one year, provide biometric data on those passports that conforms to U.S. standards.
- Establish new screening procedures for entering foreign nationals. If airlines, cruise lines, and cross border bus lines would have to submit passenger manifests to the central database prior to departure. Additionally, all non-U.S. citizens would submit fingerprints

and other biometric data to the State Department when applying for a visa that would be sent to a centralized database.

- Implement new toughened document requirements. Federal identification documents such as pilots' licenses, visas, immigration work authorization cards, and others would have to be fraud and tamper resistant, contain biometric data, and, if applicable, include the visa's expiration date.
- Reform the student visa program. The Foreign Student Visa Program is a source of serious abuse, with widespread reports of fraud and bribery. Enforcement is often non-existent.
- Prohibit persons from obtaining student visas if they come from terrorist supporting states. However, the Secretary of State could waive the ban if the student passes an extensive background check and the Secretary certifies that the student would not pose a threat to national security. In the last 10 years, more than 16,000 students have come from such terrorist supporting states as Iran, Iraq, Sudan, Libya, Syria, North Korea and Cuba.
- Require the INS to conduct a background check before the State Department can issue a student visa to foreign nationals.
- Require all educational institutions to immediately notify the INS when a foreign student violates the term of his or her visa by failing to show up for class. Once notified, the INS must take appropriate action.
- Increase federal staffing to handle additional border security and visa responsibilities. Building on the counterterrorism bill recently approved by Congress, the Feinstein-Kyl bill would: add 1,000 new INS inspectors at the ports of entry by 2006; add 1,000 new U.S. Customs by 2006; and authorize an increase in State Department personnel to sufficiently staff U.S. consular offices overseas.

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Feinstein proposes tamperproof visas

Measure calls for 'biometric' IDs, denial of entry to students from certain countries

Carolyn Lochhead, Chronicle Washington Bureau

Millions of tourists, students, business travelers and other foreigners entering the United States would be issued "biometric" visas encoded with their irises, palm prints, digitized photos or other identifying characteristics under a bill proposed yesterday by Sens. Dianne Feinstein, D-Calif., and Jon Kyl, R-Ariz.

The measure, which would cause a major overhaul of the U.S. visa system, also would create a huge centralized database of all visa holders and other noncitizens who enter the country each year. The database would collect information from intelligence and law enforcement agencies to screen out undesirable entrants.

"Our nation's borders have become a sieve, creating ample opportunities for terrorists to enter and establish their operations without detection," Feinstein, who chairs the Judiciary Committee's Subcommittee on Technology, Terrorism and Government Information.

While immigration advocates praised much of the bill, some questioned a section that would ban students from countries the State Department has labeled as sponsors of terrorism.

Such an idea, said Angela Kelley, deputy director of the National Immigration Forum, is a "meat-ax approach."

"It's just such a huge leap in logic that by banning nationals from specific countries that we're somehow going to effectively deter terrorism," Kelley said. "What I think we'll only end up effectively doing is sending a message

Friday, October 26, 2001

San Francisco Chronicle
CHRONICLE SECTIONS

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TARGETING TERRORISM

SF Gate Special: War on Terrorism

THE LATEST
With winter near, starving
Afghans need more than
air-dropped relief.

Feinstein proposes
tamperproof visas.

McVeigh victim's brother
wants to meet missing
officer's family.

Skyscraper reopens at
ground zero.

Pentagon solicits fresh
ideas for terror war.

Taliban appear to be
surviving with cunning,
resolve and help.

A unique tale of WWII
resistance.

GRAPHICS, MULTIMEDIA
Video:
Attack on Afghanistan, Day
18:

Investigators may consider
torture for terrorists

Protesters in wheelchairs

across the world that we don't like certain people, and that certainly goes against what the president and our other leaders have been saying."

Feinstein threatened a few weeks ago to push for a six-month moratorium on all student visas but withdrew after U.S. universities vigorously resisted. Her new measure does not include a moratorium, but it calls instead for a far-reaching overhaul of the entire visa system.

Feinstein and Kyl, the panel's ranking Republican, have tried unsuccessfully since the mid-1990s to crack down on visas. Kyl said they have a much better chance at success in the post-Sept. 11 atmosphere.

"This is the first time since 1812 that the American people have been attacked by foreigners on American soil," Kyl said at a joint press conference with Feinstein. "As a result, we are looking at things differently and there is an impetus for change more so than there has ever been before."

HIJACKERS ENTERED LEGALLY

Feinstein repeatedly notes that 13 of the 19 suspected hijackers in the Sept. 11 attacks entered the United States legally with valid visas, three of those had overstayed their visas without getting caught, and the Immigration and Naturalization Service had no information on six of the hijackers.

"This indicates to me a failure of intelligence or coordination within our own government," Feinstein said.

Each year, 31.5 million nonimmigrants cross a U.S. border, making Feinstein's proposition a huge government undertaking, immigration experts said.

Many of those entrants are tourists and other routine visitors who pass through dozens of ports of entry with little scrutiny beyond a perfunctory passport check. Many visa holders overstay their visas and easily elude notice.

block City Hall streets

TOP JOBS AT WORK

► **COUNSELOR**

part time Group home

► **WOODWORKER**

Utility Person - SF Furn
mfg. has op

► **APT**

Maintenance Tech G.W.
Williams Co. I

► **NURSES**

RN's LVN's

► **ASBESTOS**

Commercial Asbestos
Estimator

► **EDUCATION**

Teacher positions
available now
Contra Costa County

► **SOCIAL**

SERVICES JOB
DEVELOPER Non-profit
or

► **SOCIAL**

SERVICES CASE
MANAGER-NAPA ADULT
UNI

► **RESTAURANT**

Fifth Floor

► **MARKETING**

University of Oregon
University of Oregon

► **ACCOUNTING**

Billing Clerk
HRB, LLP

► **ART SALES**

Downtown gallery

► **COMPUTER**

► **SPECIALIS**
Web Design GS-12

► **RADIOLOGICAL**

► **TECH**
Will Train FT sign on
Bonus

About 23 million entrants arrive from the 29 countries -- including most of Europe -- where the United States does not require visas or any prescreening, nor do the participating countries require visas of visiting U.S. citizens.

Immigration service inspectors have on average less than one minute to inspect these entrants, according to the immigration service inspector general,

and many passports are not checked against the agency's computerized "lookout" system."

The Feinstein/Kyl bill would change this program, requiring participating countries to develop "tamper-resistant, machine-readable passports," that include biometric data. U.S. passports would begin including the same data.

The bill also would:

-- Require all airlines, cruise lines and cross-border bus lines to submit passenger manifests to the central database before departure to allow law enforcement screening;

-- Deny student visas to students from countries on the State Department's list of terrorist-sponsoring states: Iran, Iraq, Syria, Libya, Cuba, North Korea and Sudan; also require the State Department to conduct background checks before issuing student visas;

-- Require all visa applicants to submit fingerprints and other biometric data to the State Department when applying for a visa; the State Department would have to electronically transmit the data to the centralized database so the immigration service would have the information available at the time of entry;

-- Tighten requirements for internal identification documents, including Social Security cards, pilot's licenses, work authorization cards, requiring biometric data and fraud and tamper-resistance controls.

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"This would be a significant expansion of controls in our immigration system," said Deborah Meyers, policy analyst at the Migration Policy Institute,

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Immigration advocates praised some of the proposals as sound and long overdue.

"The biometric identifiers are not a bad idea," said Kelley, noting that pilot programs using palm, iris and digitized photograph identifiers already are in place at the immigration service.

"The idea of coming up with one standard on all INS visa and passport documents does make sense," she said. "It just basically brings us out of the Dark Ages into the computer age."

Meyers said many of the reforms would require a sustained effort, significant financial investment and, most important, sharing of intelligence among domestic agencies and between domestic and foreign government sources.

"Information is key," Meyers said, "and any system is only as good as the information in that system."

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